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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,059	12/06/2001	Dwip N. Banerjee	AUS920010871	8983

7590 01/26/2005  
Mr. Volet Emile  
P.O. Box 202170  
Austin, TX 78720-2170

EXAMINER
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TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,059

Applicant(s)

BANERJEE ET AL.

Examiner

Nghi V Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: In the co-pending applications reference in the specification, the Application fails to disclose the US Application serial number. The Examiner suggests the Applicants to update this section by including US Application serial number, filing date, and the current status of the applications.

Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Porras et al., U.S. Patent Number 6,704,874 (hereinafter Porras).

5. Taking claim 1 as an exemplary claim, Porras teaches a method of performing network protocol simulation using an XML document (figures 1-2) comprising the steps of: generating an XML document using network protocol data packets (column 3, line 45-column 4, line 10 i.e. "alert streams in a variety of formats ... XML-base standard format"); and changing a part of the XML document to perform the network protocol simulation (column 4, lines 11-40 and column 7, line 19-66 i.e. "translates a monitor's raw alert stream into the common format". The common format may be an XML-base standard format (column 4, line1-6)).

6. Claims 6, 11, and 16 are also rejected for the same reason set forth in claim 1 above.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 2, 7, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porras as applied to claims 1, 6, 11, and 16 above, and further in view of Okada et al., U.S. Patent Application Publication Number 2002/0029300 (hereinafter Okada).

9. Taking claim 2 as an exemplary claim, Porras is silent on changing design characteristics of the network protocol to effect the XML document generation process.

In a method of performing network protocol simulation, Okada discloses changing a part of the XML document includes the step of changing design characteristics of the network protocol to effect the XML document generation process (see abstract; figure 3; and paragraph 0050, pages 4-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Porras in view of Okada by changing design characteristics of the network protocol to effect the XML document generation process because this feature allows a plurality of objects to collaborate with each other to conduct processing of object oriented. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Porras in view of Okada in order to rewrite or reuse object easily, flexibly, and dynamically.

10. Claims 7, 12, and 17 are also rejected for the same reason set forth in claim 2 above.

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11. Claims 3-5, 8-10, 13-15, and 18-20 and are rejected under 35 U.S.C. 103(a) as being unpatentable over both Porras and Okada, as applied to claims 2, 7, 12, and 17 above, and further in view of Lienhard et al., U.S. Patent Number 6,778,863 (hereinafter Lienhard).

12. Taking claim 3 as an exemplary claim, both Porras and Okada are silent on using the resultant XML document as a simulation aid.

In a method of performing network protocol simulation, Lienhard discloses using the resultant XML document as a simulation aid (figure 1; and column 4, lines 32-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Porras and Okada, and further in view of Lienhard by using the resultant XML document as a simulation aid because this feature "is achieved without the need for a complex interface to handle data conversion in both direction" (column 4, lines 59-62). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Porras and Okada, and further in view of Lienhard in order to provide users a clear, easily-operable and extraordinarily easy-to-manage.

13. Claims 8, 13, and 18 are also rejected for the same reason set forth in claim 3 above.

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14. Taking claim 4 as an exemplary claim, both Porras and Okada are silent on using a schema to validate the XML document.

In a method of performing network protocol simulation, Lienhard discloses using a schema to validate the XML document (column 7, line 29 - column 8, line 63; figures 1 and 4; column 2, lines 14-35; and column 2, lines 41-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Porras and Okada, and further in view of Lienhard by using a schema to validate the XML document because this feature "is achieved without the need for a complex interface to handle data conversion in both direction" (column 4, lines 59-62). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Porras and Okada, and further in view of Lienhard in order to provide users a clear, easily-operable and extraordinarily easy-to-manage.

15. Claims 9, 14, and 19 are also rejected for the same reason set forth in claim 4 above.

16. Taking claim 5 as an exemplary claim, Okada further teaches using new data packets to change the XML document (page 5, paragraph 0054).

17. Claims 10, 15, and 20 are also rejected for the same reason set forth in claim 5 above.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "Presentation of network traffic as message sequence charts in network analyzers," by Sauermann, U.S. Patent Application Publication Number 2003/0088665.
- b. "Network surveillance system," by Conklin et al., U.S. Patent Number 5,991,881.
- c. "XML and TCP/IP - That's Internet! What does it mean to my PSAP?" by Larry Ciesla and Eillen Boroski, Nena News Magazine, Winter 2000, pages 1-5.
- d. "Object-oriented on-line network analysis," by Mike Foley and Anjan Bose, IEEE Transactions on Power System, Vol. 10, No.1, February 1995, pages 125-131.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran  
Patent Examiner  
Art Unit 2151

NT

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER